DETAILED ACTION

1.   The following is a non-final, first action on the merits. Claims 1-22 are pending.

Claim Objections

2.   Claims 1 and 2 are objected to because of the following informalities: BBS has

to be spelled out in the claims at the first occurrence. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   **Claim 19 is rejected under 35 U.S.C. 102(b) as being unpatentable over**

Buck et al (6078866).

As per claim 19, Buck discloses a computer program product for fee

based ranking comprising computer readable program code embodied in a

memory medium, said computer readable program code configured to:

display monetarily ranked message header lists in a plurality of viewing

areas configured to monetarily rank information (see column 6, lines 19-32 via

displaying results by dollar amounts, paid for by subscription fees, and Web site

titles, the site descriptions, URLs and category locations (which are also

hyperlinks to the sites), which examiner construes as the plurality of viewing

areas);

display in a message text area a message text corresponding to a highest

monetarily ranked message header displayed in one of said plurality of viewing

areas (see said *server* configured to monetarily rank information, see column 4,

line 13-22 whereby subscribers pay a monetary amount of their own choosing as

a subscription fee to list a site with the listing service for a defined subscription

period; the higher the amount paid for a given subscription period in relation to

other listers, the higher the site's ranking on the service's search reports;

subscribers can monitor the ranking of their listings in relation to others, and can

modify their rankings by raising or lowering their subscription fees through a

subscription monitoring interface provided with the listing server, examiner

construes subscriber modifying rankings via subscription fees in relation to other

listers as display in a message text area a message text corresponding to a

highest monetarily ranked message header).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

      2.   Ascertaining the differences between the prior art and the claims at issue.

      3.   Resolving the level of ordinary skill in the pertinent art.

      4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al (6078866) in view of Brechner et al. (20030144903).

As per claim 1, Buck et al. discloses a fee based ranking Bulletin Board System (BBS) comprising:

-a user device (see claim 23, lines 2-4 whereby a subscriber connect(s) online includes the substep of allowing subscriber to search and view, examiner construes subscriber as inherently having a user device in order to search and view);

-a network (see Abstract, line 1 whereby a system of *network* site searching employs a server);

-a database (see abstract, lines 2-4 database containing site listings, provided by subscribers, each of which includes a title or description of the content of the respective site);

-a server configured to run a BBS and process a user command (see column 4, lines 1-2 whereby the server connected to a network accessible by a plurality of users, examiner construes as inherently configured to run BBS; see column 4, lines 5-7 whereby the site can be accessed on the network by the subscriber, examiner construes as processing a user command);

-said *server* configured to monetarily rank information (see title, Internet

Site Searching and Listing Service Based on Monetary Ranking, *see abstract,*

line 2, via a server);

-stored in said *database* and present said information via said *network* to

said user device (see column 4, lines 1-5 whereby a listing server connected to a

network accessible by a plurality of users, having a site listings database,

examiner construes access by users as inherently via user device and further

construes having a listings database as listings stored in said database);

However, Buck et al. fails to expressly disclose the database elements

comprising an author field, a subject filed, a date field, a message field and a

monetary field.

Brechner et al. teaches a centralized information dissemination system,

containing an author filed, a subject field, a date field, a message field and a

monetary field (see [0065], line 6 'field for the name of the author'; see[0090],

line 9 'in the subject field'; see [0059], line 9 'field for the date'; see [0063], lines

10-12 message field such as a field identifying the number of sequential

messages to be sent; see [0064], lines 6 & 9 ' field for the price' and a field for

the cost of placing contents', examiner construes price and cost as monetary

fields).

Both Buck et al. and Brechner et al. disclose a system that seeks to

provide efficient access to usable information. Therefore, it would have been

obvious to one skilled in the art at the time of the invention to modify the internet

site searching and listing service of Buck et al. to include the database elements

with fields for the author, subject, date, message, and monetary data, as taught

by Brechner et al. in order to achieve greater efficiency in providing usable data

to users.

 As per claim 2, Buck et al. discloses a method for a fee based ranking

BBS comprising:

  -viewing a topic list (see abstract, lines 1-4 whereby a server

maintains a listings database containing site listings, each of which includes a

title or description of the content, examiner construes viewing topic listings from

database as inherent to a BBS);

  -selecting a topic from said topic list (see abstract, line 7-8 whereby

in response to search queries, the server provides a search report of listings

ranked according to fees paid by subscribers, examiner construes listings

response to queries as inherent to having selected a topic from listings);

 However, Buck et al. fails to disclose viewing at least one message

header list comprising monetarily ranked message headers.

 Brechner et al. teaches a centralized information dissemination system,

viewing at least one message header list comprising monetarily ranked message

headers (see [0064], lines 6 & 9 'field for the price' and a 'field for the cost of

placing contents', examiner construes price and cost as monetary fields and also

see [0100], lines 14-16 whereby the information addresses may be presented in

the message in a way that a viewer may simply 'click' on an address to start the

process of receiving information, examiner construes as viewing at least one

message header list comprising monetarily ranked message headers).

Therefore, it would have been obvious to one skilled in the art at the time of the

invention to modify the internet site searching and listing service of Buck et al. to

include the database elements with fields for the cost of placing contents, as

taught by Brechner et al. in order to achieve greater efficiency in providing usable

data to users.

7.   **Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Buck et al (6078866) and in view of Brechner et al. (20030144903) and further in

view of Wycoff (20050021521).

              As per claim 3, The combination of Buck et al. and Brechner et al. fails to

disclose the method further comprising**:**

- posting a first message to said topic, and

- entering a first monetary amount associated with said posting.

Wycoff teaches posting a first message to said topic and entering a first

monetary amount with said posting (see [0059], lines 9-10 whereby the message

board system would display messages in response and according to a user

request, examiner construes as posting a first message; also see lines 13-15

whereby the location of subscriber-purchased *embedded advertising link offer*

(*EALO*) {*see [0015], lines 4-14 for EALO application: a subscriber who wishes to*

purchase an internet site listing position on the particular message board, would

access a central controller from a remote computer; the subscriber will then be

able to buy an EALO by choosing an available predetermined space within the

particular message board system display; then by specifying an Internet site

listing, a title, description and other conditions required, a subscriber will be able

to post an EALO link (such as a hypertext link) to the requested position within

the particular message board} would reflect a specification by the relevant

subscriber as to selection and payment for a particular EALO space, examiner

construes payment for predetermined lines within message board display as

solving same problem of entering a first monetary amount with said posting;

EALO is embedded advertising link offer, examiner construes as analogous to a

user monetary payment with said posting, also *see FIG. 2 items 345 and 365*

whereby invention has both/separate subscriber and user accounts, and in

conjunction with [0154], lines 2-4 'many additional modifications and variations

would be apparent to those skilled in the art', examiner construes as apparent to

charge viewers/users in addition to subscribers in another embodiment).

Both Wycoff and combination of Buck et al. and Brechner et al. disclose a

system that seeks to provide efficient access to usable information. Therefore, it

would have been obvious to one skilled in the art at the time of the invention to

modify the BBS searching and listing service of the combination of Buck et al.

and Brechner et al. include a monetary amount associated with posting a

message to said topic as taught by Wycoff in order to achieve greater efficiency

in providing usable data to users.

As per claim 4, Buck et al. discloses the method wherein entering

comprises bidding up to an amount (see column 10, lines 9-13 whereby a bid

management program means including a subscriber account interface for

allowing a subscriber to connect online with the listing server and to automatically

enter a new denominated value bid for said subscriber's site listing into the site

listings database, examiner construes *automatically* as *entering* comprises

bidding up to an amount).

As per claim 5, Buck et al. discloses the method wherein entering

comprises paying a fee for a position (see column 8, lines 23-27 in effect, this

exemplary type of service allows a subscriber to choose the rank of their listing

be selecting an appropriate initial fee followed by any necessary adjustment to

maintain or increase its ranking, examiner construes *necessary adjustments to*

maintain or increase its ranking as entering comprises paying a fee for a

position).

As per claim 6, Buck et al. discloses the method further comprising

selecting a calendar based duration for said posting (see column 8, lines 3-7 at

prescribed adjustments periods, such as weekly, the subscriber may log on to

the listings management program, and adjust the subscription fee upward if

maintenance of a desired position against competitors or a higher position is

desired. The original expiration date of year remains regardless, also see

column 8, lines 31-32 whereby the rankings are locked in to the duration of the

adjustment period, examiner construes subscriber adjustment period inherently selecting a calendar based duration for said posting).

As per claim 7, Buck et al. discloses the claimed invention, but fails to disclose the method of purchasing an increased message header text field for said posting.

Brechner et al. teaches the method purchasing an increased message header text field for posting (see [0109], lines 3-4 and 17-20 whereby information disseminators may be given access to a database of messages and in connection with step 240 may therefore allow an automated 'do it yourself' promotional message push system. Examiner construes control of messages as enabling purchasing increased message header text field for said posting).

Both Buck et al. and Brechner et al. disclose a method that seeks to provide efficient access to usable information. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the BBS searching and listing service of Buck et al. to include the 'do it yourself' message purchase of modifications to message headers for posting as taught by Brechner et al. in order to provide for more accurate message headers so that users and disseminators would connect with greater effectiveness.

8.   **Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al (6078866), in view of Brechner et al., as applied to claim 2 and in view**

of Wycoff as applied in claim 3 above, and further in view of Herzberg et al. (7124115).

      As per claim 8, the combination of Buck et al., Brechner et al. and Wycoff disclose the claimed invention, but fails to disclose the method comprising charging a second monetary amount viewing said first message.

      Herzberg et al. teaches the method of charging a second monetary amount viewing said first message (see column 1, lines 26-30 whereby an internet user wishes to receive content from the merchant's site, the user clicks on the appropriate link; a micro payment amount associated by the link, which is set and posted by the merchant/provider is then automatically transferred from a client wallet; also see claim 14 whereby receiving the payment comprises receiving a micro payment from the buyer, examiner construes as micro payments can be from merchants and/or buyer/users; also see column 2, lines 59-61 whereby 'click and pay' web pages/listings each with a designated price; also see column 3, lines 31-35 whereby the present invention extends the realm of 'click and pay' commerce to include advertisers, as well, in addition to buyers and merchants; it is applicable to substantially any sort of content or other items that are amenable to sale by micro payment, examiner construes 'click and pay' for each viewing as charging a second monetary amount viewing said first message).

Both the combination of Buck et al., Brechner et al., and Wycoff, and

Herzberg et al. disclose a method of posting advertising/content for efficient and

profitable access to information/content. Therefore, it would have been obvious

to one skilled in the art at the time of the invention to include the method of micro

payment for each click/user/visitor in the combination of the Buck et al., Brechner

et al., and Wycoff internet site searching and listing system as taught by

Herzberg et al. in order to provide for an efficient and profitable posting of

content.

As per claim 9, The combination of Buck et al., Brechner et al. and

Wycoff disclose the claimed invention, but fails to disclose the method

comprising paying a first user who posted said first message a third monetary

amount when a second user views said first message.

Herzberg et al. teaches the method of paying a first user who posted said

first message a third monetary amount when a second user views said first

massage (see column 1, lines 26-30 whereby an internet user wishes to receive

content from the merchant's site, the user clicks on the appropriate link; a micro

payment amount associated by the link, which is set and posted by the

merchant/provider is then automatically transferred from a client wallet; also see

claim 14 whereby receiving the payment comprises receiving a micro payment

from the buyer, examiner construes micro payments from merchants and/or

buyer/users as paying a first user who posted said first message a third monetary amount when a second user views said first message).

Both the combination of Buck et al., Brechner et al., and Wycoff, and Herzberg et al. disclose a method of posting advertising/content for efficient and profitable access to information/content. Therefore, it would have been obvious to one skilled in the art at the time of the invention to include the method of micro payment in the combination of the Buck et al., Brechner et al., and Wycoff internet site searching and listing system, for each visitor/user as taught by Herzberg et al. in order to provide for an efficient and profitable posting of content.

As per claim 10, the combination of Buck et al., Brechner et al. and Wycoff disclose the claimed invention, but fail to disclose the method comprising

charging a second user a second monetary amount for viewing said first message a third monetary amount when a second user views said first message and;

paying a first user who posted said first message a third monetary mount when said second user views said first message.

Herzberg et al. teaches the method of charging a second user a second monetary amount for viewing said first message a third monetary amount when a second user views said first message and; paying a first user who posted said

first message a third monetary mount when said second user views said first

message. (see column 1, lines 26-30 whereby an internet user wishes to receive

content from the merchant's site, the user clicks on the appropriate link; a micro

payment amount associated by the link, which is set and posted by the

merchant/provider is then automatically transferred from a client wallet; also see

claim 14 whereby receiving the payment comprises receiving a micro payment

from the buyer, examiner construes micro payments per click as charging a

second user a second monetary amount for viewing said first message a third

monetary amount when a second user views said first message and; paying a

first user who posted said first message a third monetary mount when said

second user views said first message).

Both the combination of Buck et al., Brechner et al., and Wycoff, and

Herzberg et al. disclose a method of posting advertising/content for efficient and

profitable access to information/content. Therefore, it would have been obvious

to one skilled in the art at the time of the invention to include the method of micro

payment in the combination of the Buck et al., Brechner et al., and Wycoff

internet site searching and listing system, for each visitor/user as taught by

Herzberg et al. in order to provide for an efficient and profitable posting of

content.

9.   **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Buck et al (6078866), in view of Brechner et al., as applied to claim 2 and in view

of Wycoff as applied in claim 3 above, and further of view of Boyd et al. (20040193489).

As per claim 11, the combination of Buck et al., Brechner et al. and Wycoff disclose the claimed invention, but fail to disclose the method comprising:

notifying a user when a second message is posted to say topic with second monetary amount which is greater than said first monetary amount associated with said first message.

Boyd et al. teaches a bidding system whereby notifying a user when a second message is posted to said topic with second monetary amount which is greater than said first monetary amount associated with said first message (see [0093], lines 1-3 whereby the email system can also be used to access the Yahoo! Auction System for such tasks as bid submission, receiving notifications that the user has been outbid).

Both the combination of Buck et al., Brechner et al., and Wycoff, and Boyd et al. disclose a method of posting advertising/content for efficient and profitable access to information/content. Therefore, it would have been obvious to one skilled in the art at the time of the invention to include the method of notifying in the combination of the Buck et al., Brechner et al., and Wycoff internet site searching and listing system as taught by Boyd et al. in order to provide for an efficient and profitable posting of content.

10.   Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al (6078866), in view of Brechner et al., as applied to claim 2 and in view of Wycoff as applied in claim 3 above, and in view of Boyd et al. (20040193489) as applied to claim 11 and further in view of Tarvydas et al. (20020038255).

As per claim 12, the combination of Buck et al., Brechner et al. and Wycoff disclose the claimed invention, but fail to disclose but fail to disclose polling via the user device.

Tarvydas et al. , teaches polling with a consumer (see [0075], lines 14-15 the consumer may be polled on information such as …price; also see lines 17-19 whereby in one embodiment of the invention the polling information is presented to the consumer as a form on an HTML Web page, examiner construes as via user device).

Both the combination of Buck et al., Brechner et al., and Wycoff, and Wycoff, and Tarvydas et al. disclose a method of posting advertising/content for efficient and profitable access to information/content. Therefore, it would have been obvious to one skilled in the art at the time of the invention to include the method of polling in the combination of Buck et al., Brechner et al., and Wycoff, and Tarvydas et al. site searching and listing system as taught by Tarvydas et al. in order to provide for an efficient means of posting of content with price information.

As per claim 13, Buck et al. discloses the method wherein notifying comprises *sending a message to said user device* (see column 6, lines 54-55 whereby after completing the necessary information they will be sent an email).

11.   **Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al (6078866), in view of Brechner et al., as applied to claim 2 and in view of Wycoff as applied in claim 3 above, and further of view of Tarvydas et al. (20020038255).**

As per claim 14, the combination of Buck et al., Brechner et al., and Wycoff disclose the invention but fail to disclose the method further comprising: authenticating a user.

Tarvydas et al. teaches the concept of authenticating a user (see [0054], Lines 13-14 whereby at decision block 810 a determination is made as to whether the consumer has been authenticated).

Both the combination of Buck et al., Brechner et al., and Wycoff, and, Tarvydas et al. disclose a method of posting advertising/content for efficient and profitable access to information/content. Therefore, it would have been obvious to one skilled in the art at the time of the invention to include the method of authenticating a consumer in the combination of Buck et al., Brechner et al., and Wycoff internet site searching and listing system as taught by Tarvydas et al. in order to provide for a secure means of transaction of posted content.

As per claim 15, the combination of Buck et al., Brechner et al., and Wycoff disclose the invention. Buck et al. further discloses the method further

comprising: interacting with an external credit card processing system (see

column 8, lines 26-28 whereby the transaction can be completed in a few

minutes *on-line* with a credit card payment, examiner construes *on-line* as

interacting with an external credit card processing system).

As per claim 16, the combination of Buck et al., Brechner et al., and

Wycoff disclose the invention. Buck et al. further discloses the method

comprising sharing content with an affiliated BBS (see claim 8, lines 1-3 whereby

said listing server is linked to respond to search inquiries from other search

servers).

As per claim 17, the combination of Buck et al., Brechner et al., and

Wycoff disclose the invention. Buck et al. further discloses the method

comprising charging said affiliated BBS a fee (see claim 8, lines 103 whereby

said listing server is linked to respond to *search inquiries from other search*

servers and see claim 9, lines 1-5 whereby the relevancy measure used by

another server is a relevancy percentage, and said relevancy measure

conversion means converts the search report's ranks listing based on

denominated values into relevancy percentages; and see claim 10 wherein the

denominated value is a credit point amount applied by the subscriber to the

respective listing, *examiner construes* credit point amount applied by the

subscriber as payment to the affiliated BBS/respective listing, examiner further

construes from payments made to affiliated BBS as implicit that Buck et al.

invention would charge a fee when responding to *search inquiries from other search servers*).

As per claim 18, the combination of Buck et al., Brechner et al., and Wycoff disclose the invention. Buck et al. further discloses the method comprising paying said affiliated BBS a fee (see claim 9, lines 1-5 whereby the relevancy measure used by *another server* is a relevancy percentage, and said relevancy measure conversion means converts the search report's ranks listing based on denominated values into relevancy percentages; and see claim 10 wherein the denominated value is a credit point amount applied by the subscriber to the respective listing, examiner construes credit point amount applied by the subscriber as payment to the affiliated BBS/respective listing).

12.   **Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al (6078866) and in view of Wycoff (20050021521).**

As per claim 20, Buck et al. discloses the disclosed invention as applied in claim 19, but fails to disclose

-accepting a post of a first message; and

- obtaining monetary ranking information from a first user corresponding to said post.

Wycoff teaches accepting a first message to said topic and entering a first monetary amount with said posting (see [0059], lines 9-10 whereby the message board system would display messages in response and according to a user request, examiner construes as accepting a first message; also see lines 13-15

whereby the location of subscriber-purchased EALOs would reflect a specification by the relevant subscriber as to selection and payment for a particular EALO space, examiner construes payment for predetermined lines within message board display as solving same problem of entering a first monetary amount with said posting; EALO is embedded advertising link offer, examiner construes as analogous to a user monetary payment with said posting).

Both Wycoff and Buck et al. disclose a system that seeks to provide efficient access to usable information. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the BBS searching and listing service of Buck et al. to include a monetary amount associated with posting a message to said topic as taught by Wycoff in order to achieve greater efficiency in providing usable data to users.

As per claim 21, Buck et al. discloses the method further comprising selecting a calendar based duration for said posting (see column 8, lines 3-7 at prescribed adjustments periods, such as weekly, the subscriber may log on to the listings management program, and adjust the subscription fee upward if maintenance of a desired position against competitors or a higher position is desired. The original expiration date of year remains regardless, also see column 8, lines 31-32 whereby the rankings are locked in to the duration of the adjustment period, examiner construes subscriber adjustment period inherently selecting a calendar based duration for said posting).

As per claim 22, Buck et al. discloses the method further configured to notify said first user when a second message is posted having a second monetary amount which is greater than a first monetary amount (see column 10, lines 9-13 whereby a bid management program means including a subscriber account interface for allowing a subscriber to connect online with the listing server and to automatically enter a new denominated value bid for said subscriber's site listing into the site listings database, examiner construes *automatically* as *entering* comprises bidding via a second monetary amount which is greater than a first monetary amount, examiner further construes entering a new bid as system implicitly configured to be notified of said greater monetary amount).

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Choquier et al. (5951694) discloses a method of directing service-specific information to a second server without interrupting the session.

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL H. GOLDMAN whose telephone number is (571)270-5101. The examiner can normally be reached on Monday thru Thursday 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynda Jasmine can be reached on 571-270-3033. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mhg

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